

REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1, 3-29, and 31-43 are pending in the application. No claim has been canceled, amended, or added. Examiner indicates in the Office Action that claims 1-43 are pending. However, claims 2 and 30 have been canceled in the previous response. Applicant assumes that claims 1, 3-29, and 31-43 are pending in the present application.

Claims 1, 3-15, 21, 24-29, and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,166,735 of Dom et al. ("Dom") in view of U.S. Patent No. 5,864,868 of Contois ("Contois"). Claims 16-20, 22-23, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dom in view of Contois and U.S. Patent No. 6,097,389 of Morris et al. ("Morris").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Applicant submits that claims 1, 3-29, and 31-43 of the present application include limitations not disclosed or taught by the cited references. Specifically, independent claim 1 recites as follows:

1. A system comprising:
a controller configured to select an identifier associated with a media object to send a request to play the media object, wherein the controller sends the request by wirelessly transmitting the identifier stored in the controller;
and
an appliance configured to receive the request from the controller, to retrieve the media object from a first server via a network connection when the media object is not stored in the appliance, and to play the media object.

(Emphasis added)

Independent claim 1 includes a controller that wireless communicates with an appliance, where the appliance communicates with a first server over a network. The controller sends a

request to the appliance to play a multi-media object by wirelessly transmitting an identifier identifying the requested object in the appliance. In response to the requested wireless received from the controller, the appliance retrieves the requested object from the first server over the network, if the appliance does not have the requested object stored therein. Thereafter, the appliance plays the retrieved object. It is respectfully submitted that the above limitations are absent from the cited references, individually or in combination.

Applicant respectfully submits that none of the cited references discloses or suggests a controller wirelessly communicating with an appliance, where the appliance communicates with a server over a network, such as, for example, the Internet. In the Office Action, the Examiner stated:

“As to claims 1, 28, 37, and 38, Dom et al. discloses a controller configured to select an identifier associate with a media object (column 8, lines 12-20 and lines 33-43); wherein the controller sends the request by wirelessly transmitting the identifier stored in the controller (column 9, lines 3-18); and retrieve the media object from a first server via a network connection when the media object is not stored in the appliance (column 1, lines 40-65 and column figure 7, lines 22-32).”

(2/9/2004 Office Action, pages 2-3, emphasis added).

Applicant respectfully disagrees. There is no mention of a controller in the cited sections of Dom that communicates with an appliance, which coupling to a server over a network. Specifically, Dom fails to disclose or suggest a controller wirelessly communicating with the appliance. Specifically, Dom states:

“In a preferred embodiment, employing the Web and HTML links, the representations of the temporal points are thumbnail images corresponding with the temporal points in the video object. The images may be generated at the time a user selects the video object for browsing, or preferably are generated beforehand, and stored along with the object itself.”

(Dom, col. 8, lines 14-20)

“As will be described in detail below, the user selects two of the temporal points, with the objective of downloading and viewing the portion of the video object that falls

between the two temporal points. It is preferable, from the standpoint of the system's look and feel to the user, that the time duration of the selected video portion ("clip" or "segment") be perceived as proportional to the number of representations captured within the interval selected by the user."

(Dom, col. 8, lines 34-43)

"Responsive to the user selection of a desired video object, the remote system obtains a set of representations of points within the video object (step 22). Preferably, the representations are thumbnail images of stills from the video object, so that the user can scan his/her eyes along the thumbnails and get a sense of the progression of the content (action, narrative, etc.) of the video object. This sense helps the user to determine which portion of the video object is of interest."

(Dom, col. 9, lines 3-18)

Thus, the cited sections of Dom fail to disclose or suggest a controller communicating with an appliance that is coupled to a server over a network. Specifically, the cited sections of Dom fail to disclose or suggest a controller wirelessly communicating with the appliance to retrieve and play a media object at the appliance.

The Examiner further stated that col. 1, lines 40-65 and col. 7, lines 22-32 of Dom discloses that the appliance retrieves the media object from the server over the network in response to the request wirelessly received from the controller, if the requested media object is not stored in the appliance (see, 2/9/2004 Office Action, pages 2-3). However, such cited sections of Dom also fail to disclose or suggest the limitation set forth above. For example, col. 1 lines 40-65 of Dom describes how a Web browser communicates with a Web server to download media objects, while col. 7, lines 22-32 of Dom illustrates a computer system of Fig. 1.

It is respectfully submitted that none of the cited sections discloses or suggests an appliance that wirelessly receives a request from a controller and in response to the request wirelessly received from the controller, the appliance retrieves the requested media from a server over a network, if the requested media object is not found in the appliance (see, Fig. 1 of Dom).

Examiner further stated that sections col. 4, lines 38-68, col. 8, lines 21-44, and col. 10, lines 1-20 of Contois disclose a controller communicating with an appliance. Applicant respectfully disagrees. The cited sections of Contois generally relate to a computer user interface to allow a user to access media pieces stored in a database. The user interface further controls a media playing device to play the media (see, col. 4, lines 38-68). However, such a user interface is not a controller, particularly, a controller wirelessly communicating with an appliance to request the appliance to play a media object. If the appliance does not contain the requested media object, the appliance retrieves the requested media object from a server over a network.

It is respectfully submitted that Morris also fails to disclose or suggest the limitations set forth above. Therefore, for the reasons discussed above, it is respectfully submitted that independent claim 1 is patentable over the cited references.

Similarly, independent claims 29 and 37 include the limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, it is respectfully submitted that independent claims 29 and 37 are patentable over the cited references.

Given that claims 3-28, 31-36, and 38-43 depend from one of the above independent claims, it is respectfully submitted that claims 3-28, 31-36, and 38-43 are patentable over the cited references. Withdrawal of the rejections is respectfully requested.

In addition, with respect to claims 6 and 7, claims 6-7 include a second server coupled to the first server for storing media objects for the first server, where the requested media object is retrieved from the second server if it is not found in the first server. It is respectfully submitted that these limitations are also absent from the cited references. Examiner stated that sections col. 1, lines 40-65, col. 5, lines 1-40, and col. 7, lines 22-32 of Dom disclose such limitations (see, 2/9/2004 Office Action, page 4). Applicant respectfully disagrees. The sections cited by the Examiner fail to disclose the limitations set forth in claims 6-7. The cited sections of Dom

generally relate to discussions of media objects. For example, col. 1 lines 40-65 of Dom describes how a Web browser communicate with a Web server to download media objects, while col. 7, lines 22-32 of Dom illustrates a computer system of Fig. 1. There is no mention of a second server that stores media objects on behalf of the first server. When the requested media object is not found in the first server, the requested media object is retrieved from the second server.

Further, with respect to claims 8-12, claims 8-12 include limitations that the requested media object is encrypted and the key to decrypt the encrypted media object is stored in the controller after the payment associated with the requested media object has been received by the second server. When the appliance receives the requested media object, the appliance receives the key from the controller, decrypts the encrypted media object, and plays the decrypted media object. It is respectfully submitted that these limitations are also absent from the cited references.

The Examiner contends that sections col. 7, lines 32-48; col. 8, lines 1-8; and col. 11, line 54 to col. 12, line 20 of Dom disclose such limitations (see, 2/9/2004 Office Action, page 4). Applicant respectfully disagrees. The cited sections of Dom generally relate to hardware configuration of a computer system, rather than the encryption of media objects. For example, Dom states:

“The discussion of FIG. 1 which follows will focus on certain individual components for clearer illustration and description of the novel and non-obvious features of the present invention. In the system of FIG. 1, a client machine 10 includes a computer or other device (as discussed above), running a Web browser program. The program run by the client 10, which incorporates the invention, may be provided to a general purpose computer by means of a commercial computer program product, such as a pre-recorded floppy disk 11 or other suitable computer-readable recording medium. In such a computer program product, the novel and non-obvious features of the invention, implemented as program code, are pre-programmed onto the disk 11 for convenient sales and marketing, and for directing operation of the client machine 10 in accordance with the invention.”

(Dom, Fig. 1, col. 7, lines 32-48)

There is no mention of an encryption of media objects in Dom, particularly, the arrangements of the key to decrypt the encrypted media object recited in claims 8-12. It appears that the Examiner has inadvertently misinterpreted the hardware of a computer system and a cryptographic key, which is a software key, for the purposes of encryption.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

4/1/04



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